



# Department of Planning, Housing, & Community Development

*Mayor, Richard C. David*  
*Director, Jennie Skeadas-Sherry*

## ***STAFF REPORT***

TO: Zoning Board of Appeals Members  
FROM: Planning, Housing and Community Development  
DATE: May 23, 2014  
SUBJECT: 188 Hiner Road; Series A Site Plan Review/ Special Use Permit  
TAX ID #: 145.15-1-2  
CASE: 2014-21  
COPIES: B. Seachrist, T. Costello, W. Berg (District 7), File

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### **A. REVIEW REQUESTED**

This application would permit the construction of a 150' freestanding telecommunications tower at 188 Hiner Road. The tower will primarily be used for locating antennas for wireless internet signals, but will also provide antennas for radio signals.

Per §410-42 (C), no telecommunications facility shall be sited, located, constructed, erected or modified without the issuance of a special use permit and Series A site plan approval.

### **B. STANDARDS FOR APPROVAL OF SITE PLANS**

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Series A Site Plan application, the Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

### C. ADDITIONAL REVIEWS

- 239 L&M Review is required for this project due to its proximity to the Greater Binghamton Health Center. The County found no significant countywide or inter-community impacts associated with the project.
- A telecommunications tower is not a permitted use in the R-2 Residential One and Two Unit Dwelling District, requiring a use variance. The applicant requested and was granted a use variance by the Zoning Board of Appeals on April 1<sup>st</sup>, 2014.

### D. SITE REVIEW

188 Hiner Road is located on a parcel with an elevation of over 1,000 feet. The property is located in a heavily wooded area, with one residential property on the 9.92 acre site. There is an existing tower located to the northwest of the proposed new tower, within a 60' x 50' chain link enclosure. Within the chain link fence are a generator, propane tank, and a utility structure for existing equipment. No other structures, lie within a 180' radius of either tower.

Land use in the vicinity of 188 Hiner Road is low-density, single-family residential and wooded vacant lots. The Greater Binghamton Health Center is also in the vicinity.

### E. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

37 N. Windy Hill Road: In 2008, the Planning Commission approved a special use permit to New Cingular Wireless PCS, LLC D/b/a AT&T Mobility for the modification of an existing telecommunications facility.

### E. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **UNLISTED** Action. The Planning Commission may be the lead agency to determine any environmental significance.

Motion to determine what type of action:

- a. Type I
  - b. Type II
  - c. **Unlisted**
2. Determine Lead Agency and other involved agencies.
  3. Motion to schedule a public hearing.
  4. After the Public Hearing, Determination of Significance. (See EAS Part 2 & Part 3)

|  | <b>NO, OR<br/>SMALL<br/>IMPACT<br/>MAY<br/>OCCUR</b> | <b>MODERATE<br/>TO LARGE<br/>IMPACT<br/>MAY<br/>OCCUR</b> |
|--|--|---|
| Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? | X  |   |

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|---|---|--|
| Will the proposed action result in a change in the use or intensity of use of land?   | X |  |
| Will the proposed action impair the character or quality of the existing community?   | X |  |
| Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?                      | X |  |
| Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?            | X |  |
| Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | X |  |
| Will the proposed action impact existing:<br>A. public / private water supplies?<br>B. public / private wastewater treatment utilities?                                 | X |  |
| Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?                                   | X |  |
| Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?                     | X |  |
| Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?   | X |  |
| Will the proposed action create a hazard to environmental resources or human health?  | X |  |

## E. STAFF FINDINGS

Planning Staff has the following findings:

- 1) **The Planning Commission must determine if the requirements of Section 410-47 for Standards for Approval of Site Plans have been met.**
- 2) **The Planning Commission must determine if the general requirements as set forth in Section 410-42 for a Tower Special Use Permit have been met:**
  - a) The applicant is required to provide service to locations which it is not able to serve through existing facilities which are located either within or outside of the City of Binghamton, showing the specific locations and/or areas the applicant is seeking to serve.
  - b) The applicant shall set forth an inventory of existing facilities and/or structures, within or outside of the City, which might be utilized or modified in order to provide coverage to the locations the applicant is seeking to serve and shall include a report on the possibilities and opportunities for collocation as an alternative to a new site. The applicant must demonstrate that the proposed facility

cannot be accommodated on any such existing facility or structure either within or outside of the City of Binghamton due to one or more of the following reasons:

- i) The proposed equipment would exceed the existing reasonably potential structural capacity of existing facilities or structures within or outside of the City, considering existing and planned use for those facilities or structures.
- ii) The existing or proposed equipment would cause interference with other existing or proposed equipment that could not reasonably be mitigated or prevented.
- iii) Said existing facilities or structures do not have space on which the proposed equipment can be placed so it can function effectively and reasonably, and/or the applicant has not been able, following good faith efforts, to reach an agreement with the owner(s) of such facilities or structures.
- iv) Other reasons which make it impractical to locate or place the proposed equipment on said facilities or structures.

#### **G. ENCLOSURES**

Enclosed is a copy of the plans and site photographs.